

RUTH SMITH, Individually and as Widow)
for the Use and Benefit of Herself and the)
Next of Kin of RICHARD SMITH, Deceased,) **Case #: 3:05-00444**
Plaintiff,) **Judge Trauger**
-against-)
PFIZER INC., PARKE-DAVIS,)
a division of Warner-Lambert Company)
and Warner-Lambert Company LLC,)
WARNER-LAMBERT COMPANY,)
WARNER-LAMBERT COMPANY LLC and)
JOHN DOE(S) 1-10,)
Defendants.)

**PLAINTIFF'S MOTION *IN LIMINE* TO STRIKE THE DEPOSITION
TESTIMONY AND AFFIDAVIT OF DEFENDANTS' EXPERT
CYNTHIA MCCORMICK AND TO PRECLUDE DEFENDANTS
FROM UTILIZING THE DEPOSITION OF CHARLES TAYLOR AT TRIAL**

Plaintiff Ruth Smith, as the Widow for the use and benefit of herself and the next of kin of Richard Smith, deceased, by and through her undersigned counsel, respectfully requests an striking the deposition testimony and Affidavit of Defendants' expert Cynthia McCormick from the trial of this action, order and precluding Defendants Pfizer Inc. and Warner-Lambert Company LLC from utilizing the deposition transcript of their employee Charles Taylor at trial and from mentioning the reason for Taylor's absence from the trial.

This Motion is supported by Plaintiff's Memorandum in Support and exhibit annexed thereto, submitted herewith.

Dated: April 16, 2010

Respectfully submitted,

THE LANIER LAW FIRM, P.L.L.C.

By: /s/ W. Mark Lanier
W. Mark Lanier, Esq.
Dara G. Hegar, Esq.
Ken S. Soh, Esq.
Maura Kolb, Esq.
Robert Leone, Esq.
126 East 56th Street, 6th Floor
New York, NY 10022

- and -

FINKELSTEIN & PARTNERS, LLP

By: /s/ Andrew G. Finkelstein
Andrew G. Finkelstein, Esq.
Kenneth B. Fromson, Esq.
1279 Route 300, P.O. Box 1111
Newburgh, NY 12551

- and -

BARRETT & ASSOCIATES, P.A.

By: /s/ Charles F. Barrett
Charles F. Barrett, Esq.
BPR # 020627
6518 Highway 100, Suite 210
Nashville, TN 37205

Attorneys for Plaintiff Ruth Smith

CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

Aubrey B. Harwell, Jr., Esq.
W. David Bridgers, Esq.
Gerald D. Neenan, Esq.
Robert A. Peal, Esq.
Neal & Harwell, PLC
2000 One Nashville Place
150 Fourth Avenue, North
Nashville, TN 37219

Prince C. Chambliss, Jr., Esq.
Evans & Petree, PC
1000 Ridgeway Loop Road, Suite 200
Memphis, TN 38120

Mark S. Cheffo, Esq.
Catherine B. Stevens, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036

/s/ Kenneth B. Fromson
Kenneth B. Fromson